

Article 2: Police — Police Regulations — Offenses Against Government

Division 32: Possession of Clonazepam

("Possession of Clonazepam" added 5-1-2000 by O-18793 N.S.)

§52.3201 Purpose

The Council for the City of San Diego finds and declares that:

- (a) In addition to its legal uses, adults and juveniles are abusing *clonazepam* to become intoxicated and/or to facilitate sexual assault.
- (b) There are reports of *clonazepam* being used to facilitate sexual assault.
- (c) There is a current and immediate threat to the public safety and welfare, in that the use of *clonazepam* by juveniles is increasing at an alarming rate in the City due to its easy access, low price and powerful effect.
- (d) Currently there is no law that prohibits mere possession of this drug without a valid prescription.

("Purpose" added 5-1-2000 by O-18793 N.S.)

§52.3202 Definitions

"*Clonazepam*" means any drug, substance or compound, whether legal or illegal, that contains clonazepam as described in California Health and Safety Code section 11057(d)(6).

("Definitions" added 5-1-2000 by O-18793 N.S.)

§52.3203 Prohibitions of Possession

Except as authorized by law and as otherwise provided in subdivision (b) or Article 7 (commencing with Section 4211) of Chapter 9 of Division 2 of the Business and Professions Code, it is unlawful for any person to possess *clonazepam* or any substance that contains *clonazepam* without a valid prescription.

("Prohibitions of Possession" added 5-1-2000 by O-18793 N.S.)

§52.3204 Enforcement Authority

The City Attorney and The Chief of Police, or any other Director authorized by the City Manager, are authorized to administer and enforce the provisions of this Division.

The City Attorney and The Chief of Police exercise any enforcement powers as provided in Division 1, Article 2 of Chapter 1 of this Code.

("Enforcement Authority" added 5-1-2000 by O-18793 N.S.)

§52.3205 Enforcement Remedies

Violations of this Division may be prosecuted as misdemeanors subject to the fines and custody provided in Municipal Code Section 12.0201. The City Attorney and the Chief of Police may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy provided in Chapter 1 of this Code.

("Enforcement Remedies" added 5-1-2000 by O-18793 N.S.)

§52.3206 Strict Liability Offense

Violations of this Division shall be treated as strict liability offenses regardless of intent.

("Strict Liability Offense" added 5-1-2000 by O-18793 N.S.)